

DINA L. SANTOS, SBN 204200  
Dina L. Santos, A Professional Law Corp.  
455 Capitol Mall, Suite 802  
Sacramento, California 95814  
Telephone: (916) 447-0160

Attorney for  
RICARDO MARMALEJO

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No.: 21 CR-020 JAM
Plaintiff,	)	STIPULATION AND ORDER TO
	)	CONTINUE STATUS CONFERENCE
vs.	)	
NEHEMIAH AVILA, CEASAR	)	Date: February 13, 2024
MARTINEZ, RICARDO MARJALEJO	)	Time: 9:00 a.m.
Defendants.	)	Judge: Hon. Mendez

**STIPULATION**

The United States of America through its undersigned counsel, Adrian Kinsella, Assistant United States Attorney, together with Attorney Todd Leras on behalf of Nehemia Avila; Attorney Michael Long on behalf of Ceasar Martinez, and Attorney Dina Santos, on behalf of Ricardo Marmalejo, hereby stipulate the following:

1. The Status Conference was previously set for January 9, 2024. By this stipulation, the parties now move to continue the Status Conference to **February 13, 2024, at 9:00 a.m.** and to exclude time between January 9, 2024, and February 13, 2024, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
  - a. A continuance is requested to continue to allow the Defense to continue to review the voluminous discovery, conduct investigation, confer with client's

- 1 and discuss a potential resolution. All Counsel require additional time to  
2 prepare.
- 3 b. Counsel for the Defendants believes the failure to grant a continuance in this  
4 case would deny defense counsel reasonable time necessary for effective  
5 preparation, taking into account the exercise of due diligence.
- 6 c. The Government does not object to the continuance.
- 7 d. Based on the above-stated findings, the ends of justice served by granting the  
8 requested continuance outweigh the best interests of the public and the  
9 defendants in a speedy trial within the original date prescribed by the Speedy  
10 Trial Act.
- 11 e. For the purpose of computing time under the Speedy Trial Act, 18 United  
12 States Code Section 3161(h)(7)(A) within which trial must commence, the  
13 time period of January 9, 2024, to February 13, 2024, inclusive, is deemed  
14 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and  
15 (B)(iv), corresponding to Local Code T-4 because it results from a continuance  
16 granted by the Court at defendant's request on the basis of the Court's finding  
17 that the ends of justice served by taking such action outweigh the best interest  
18 of the public and the defendant in a speedy trial.
- 19 3. Nothing in this stipulation and order shall preclude a finding that other provisions  
20 of the Speedy Trial Act dictate that additional time periods are excludable from  
21 the period within which a trial must commence.

22  
23 **IT IS SO STIPULATED.**

24  
25 DATED: December 27, 2023

Phillip Talbert  
United States Attorney

26  
27 /s/ Adrian Kinesella  
ADRIAN KINSELLA  
Assistant U.S. Attorney  
28

1 DATED: December 27, 2023

2 /s/ Todd Leras  
TODD LERAS  
Attorney for Nehemiah Avila

3 DATED: December 27, 2023

4 /s/ Michael Long  
MICHAEL LONG  
Attorney for Ceasar Martinez

5  
6 DATED: December 27, 2023

7 /s/ Dina Santos  
DINA SANTOS  
Attorney for Ricardo Marmalejo

8  
9  
10 **ORDER**

11 The Court has read and considered the Stipulation Regarding Excludable Time  
12 Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby  
13 finds that the Stipulation, which this Court incorporates by reference into this Order,  
14 demonstrates facts that provide good cause for a finding of excludable time pursuant to  
15 the Speedy Trial Act, 18 U.S.C. § 3161.

16 The Court further finds that: (i) the ends of justice served by the continuance  
17 outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to  
18 grant the continuance would deny defense counsel the reasonable time necessary for  
19 effective preparation, taking into account the exercise of due diligence.

20 Nothing in this Order shall preclude a finding that other provisions of the Speedy  
21 Trial Act dictate that additional time periods are excluded from the period within which  
22 trial must commence.

23 **IT IS SO ORDERED.**

24  
25 Dated: December 28, 2023

26 /s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
27 SENIOR UNITED STATES DISTRICT JUDGE  
28